

ASSEMBLY BILL

No. 2728

Introduced by Assembly Member Furutani

February 19, 2010

An act to amend Section 21157.1 of the Public Resources Code, relating to the environment.

LEGISLATIVE COUNSEL'S DIGEST

AB 2728, as introduced, Furutani. Environment: CEQA: master environmental impact report.

The California Environmental Quality Act (CEQA) authorizes the preparation of a master environmental impact report (EIR) for certain specified projects. Where a master EIR has been certified, CEQA authorizes a limited review of subsequent projects that are within the scope of the master EIR that meets specified requirements.

This bill would make technical, nonsubstantive changes to that provision.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 21157.1 of the Public Resources Code
- 2 is amended to read:
- 3 21157.1. The preparation and certification of a master
- 4 environmental impact report, if prepared and certified consistent
- 5 with this division, may allow for the limited review of subsequent
- 6 projects that were described in the master environmental impact

1 report as being within the scope of the report, in accordance with
2 the following requirements:

3 (a) The lead agency for a subsequent project shall be the lead
4 agency or ~~any~~ a responsible agency identified in the master
5 environmental impact report.

6 (b) The lead agency shall prepare an initial study on any
7 proposed subsequent project. This initial study shall analyze
8 whether the subsequent project may cause any significant effect
9 on the environment that was not examined in the master
10 environmental impact report and whether the subsequent project
11 was described in the master environmental impact report as being
12 within the scope of the report.

13 (c) If the lead agency, based on the initial study, determines that
14 a proposed subsequent project will have no additional significant
15 effect on the environment, as defined in subdivision (d) of Section
16 21158, that was not identified in the master environmental impact
17 report and that no new or additional mitigation measures or
18 alternatives may be required, the lead agency shall make a written
19 finding based upon the information contained in the initial study
20 that the subsequent project is within the scope of the project
21 covered by the master environmental impact report. ~~No~~ A new
22 environmental document ~~nor~~ or findings pursuant to Section 21081
23 shall *not* be required by this division. Prior to approving or carrying
24 out the proposed subsequent project, the lead agency shall provide
25 notice of this fact pursuant to Section 21092 and incorporate all
26 feasible mitigation measures or feasible alternatives set forth in
27 the master environmental impact report ~~which~~ *that* are appropriate
28 to the project. Whenever a lead agency approves or determines to
29 carry out any subsequent project pursuant to this section, it shall
30 file a notice pursuant to Section 21108 or 21152.

31 (d) Where a lead agency cannot make the findings required in
32 subdivision (c), the lead agency shall prepare, pursuant to Section
33 21157.7, either a mitigated negative declaration or environmental
34 impact report.